

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**RESOLUTION NO. R6T-2010-0034**

**DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER TO ISSUE  
ADMINISTRATIVE CIVIL LIABILITY ORDERS**

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**WHEREAS** the California Regional Water Quality Control Board, Lahontan Region, (Water Board) finds:

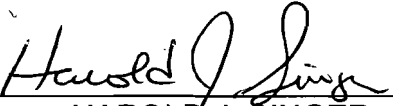
1. The Porter-Cologne Water Quality Control Act (California Water Code section 13223, subdivision (a)), provides that a regional water board may delegate any of its powers and duties to its Executive Officer excepting only the following:
  - a. The promulgation of any regulations;
  - b. The issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements;
  - c. The issuance, modification, or revocation of any cease and desist order;
  - d. The holding of any hearing on water quality control plans; and
  - e. The application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in Water Code sections 13002, subdivision (c), 13304 and 13340.
2. Water Code section 13223, subdivision (b) states that whenever any reference is made in Division 7 of the Water Code to any action that may be taken by a regional water board, such reference includes such action by its Executive Officer pursuant to powers and duties delegated to the Executive Officer by the regional water board.
3. The Lahontan Water Board previously delegated to its Executive Officer, under the general direction and control of the Board, all of the powers and duties of the Board under Division 7 of the Water Code except those specified in Water Code section 13223, subdivision (a), and except for the authority to state Lahontan Water Board policy, create procedure to be followed by the Executive Officer, and approve closure plans under Water Code section 13227 that do not adhere to the minimum standards of in Title 27, Division 2, Chapter 4, Subchapter 4 and where an engineered alternative is proposed.
4. The Executive Officer or his/her delegate may issue a complaint pursuant to Water Code section 13323 to a person on whom administrative civil liability may be imposed pursuant to Water Code sections 13268, 13308, 13328, 13350, 3385 and 13399.33. If the discharger contests the complaint, a hearing is held to accept evidence, and the Lahontan Water Board makes a decision on the matter.

5. Where a discharger does not contest a proposed administrative civil liability, the discharger may waive the right to a hearing before the Lahontan Water Board. Alternatively, Lahontan Water Board prosecution staff may come to agreement with a discharger on settlement of alleged liabilities with or without the issuance of a complaint, and the discharger waives the right to a hearing on the matter. In either situation, the case is settled through an order of the Board, following a 30-day public comment period on the proposed order.
6. A significant savings of Lahontan Water Board staff resources and associated expenses may be saved by having the Executive Officer settle uncontested liability orders when no hearing is required.
7. While the Lahontan Water Board has previously delegated to the Executive Officer its powers and duties to the maximum extent allowed by Water Code section 13223 (with certain exceptions), it is nonetheless appropriate to explicitly affirm the Lahontan Water Board's intent to allow the Executive Officer to impose administrative liability through the issuance of administrative civil liability orders pursuant to Water Code sections 13268, 13308, 13328, 13350, 13385, and 12299.33 when no hearing is required.

**THEREFORE BE IT RESOLVED THAT:**

The California Regional Water Quality Control Board, Lahontan Region, hereby expressly delegates to its Executive Officer, under general direction and control of the Board, the authority to issue final administrative civil liability orders where no hearing is required. The Executive Officer is directed to discuss with the Water Board Chair the need for a hearing, prior to issuance of an order, if comments are received on the proposed action.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 14, 2010.

  
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HAROLD J. SINGER  
EXECUTIVE OFFICER